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10/785396  
022304

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on February 23, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV334019287US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket No.:

KLA1P117X1A/P1151/2

First Named Inventor: MIEHER

Jeffrey Ng

**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))**  
(Continuation, Divisional or Continuation-in-part application)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:  
**Walter D. Mieher, Ady Levy, Boris Golovanevsky, Michael Friedmann, Ian Smith, Michael Adel, Anatoly Fabrikant, Christopher F. Bevis, John Fielden, Noah Bareket, Ken Gross, Piotr Zalicki, Dan Wack, Paola Dececco, Thaddeus G. Dziura, Mark Ghinovker**

For: **APPARATUS AND METHODS FOR DETECTING OVERLAY ERRORS USING SCATTEROMETRY**

Assigned to : KLA-Tencor Technologies Corporation

This application is a  Continuation  Divisional  Continuation-in-part

of prior Application No.: 10/729,838, from which priority under 35 U.S.C. §120 is claimed.

This application claims priority of the following co-pending U.S. Provisional Patent Applications:  
Priority of U.S. provisional application No. 60/504,093 filed on September 19, 2003 is claimed under 35 U.S.C. § 119(e).  
Priority of U.S. provisional application No. 60/449,496 filed on February 22, 2003 is claimed under 35 U.S.C. § 119(e).  
Priority of U.S. provisional application No. 60/498,524 filed on August 27, 2003 is claimed under 35 U.S.C. § 119(e).

The specification has been amended to claim priority from the parent application, or such amendment is included in a separate sheet.

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Application Elements:



112 Pages of Specification, Claims and Abstract

24 Sheets of informal Drawings

Declaration



Newly executed



Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).

The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.



Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:



Do not publish this application. Nonpublication Request is attached.



Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)



Power of Attorney



37 CFR 3.73(b) Statement by Assignee



Information Disclosure Statement with Form PTO-1449



Copies of IDS Citations



Preliminary Amendment (*New claims numbered after highest original claim in prior*

*application.*)



Return Receipt Postcard



Other:

Claim For Foreign Priority

Priority of Application No. filed on  
is claimed under 35 U.S.C. § 119.

The certified copy has been filed in prior application U.S. Application No. \_\_\_\_\_

The certified copy will follow.

Extension of Time for Prior Pending Application

A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Fee Calculation (37 CFR § 1.16)

**PLEASE DEFER FILING FEES AT THIS TIME.**

The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. ).

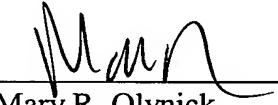
General Authorization for Petition for Extension of Time (37 CFR §1.136)

Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. KLA1P117X1A).

Please send correspondence to the following address:

**Customer Number 022434**

Date: February 23, 2004

  
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Mary R. Olynick  
Registration No. 42,963